

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JOSEPH MICHAEL DEVON ENGEL,

Plaintiff,

v.

ERDCC and MODOC,

Defendants.

No. 4:20-CV-1941 DDN

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion to proceed *in forma pauperis* on appeal. ECF No. 6. As discussed in the Memorandum and Order issued January 27, 2021, plaintiff has accumulated more than three "strikes" pursuant to 28 U.S.C. § 1915(g), and he does not qualify for the imminent danger exception. ECF No. 3. Further, plaintiff has engaged in the practice of repeatedly filing meritless lawsuits in this Court. Since September 2020, plaintiff has filed over one-hundred-thirty (130) lawsuits in this Court, which is an abuse of the judicial process. As of this date, over twenty (20) of his lawsuits have been dismissed as frivolous, malicious and/or for failure to state a claim. *See* 28 U.S.C. § 1915(e)(2)(B). Finally, it is not apparent that plaintiff now seeks appellate review of any issue that is not frivolous. *See Coppedge v. United States*, 369 U.S. 438, 445 (1962). As a result, for the above stated reasons, the Court finds that an appeal of this matter may not be taken in good faith and plaintiff's motion to proceed *in forma pauperis* on appeal will be denied. *See* 28 U.S.C. § 1915(a)(3).


Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to proceed *in forma pauperis* on appeal [ECF No. 6] is **DENIED**.

IT IS FURTHER ORDERED that within thirty (30) days from the date of this Order, plaintiff shall pay to this Court the full \$505.00 filing fee for filing an appeal. Plaintiff is instructed to make his remittance payable to “Clerk, United States District Court,” and to include upon it: (1) his name; (2) his prison identification number; (3) the case number; and (4) that the remittance is for the appeal of the instant action.

IT IS FINALLY ORDERED that plaintiff shall file any future documents or pleadings in connection with his appeal directly with the United States Court of Appeals for the Eighth Circuit.

Dated this 2nd day of March, 2021.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE